



U.S. Department of Justice

Environment and Natural Resources Division

DJ#90-5-2-1-07823

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June 13, 2006

VIA E-MAIL & U.S. MAIL

Scott R. Dismukes
Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219-2788


Re: **In Re: S.H. Bell Company, East Liverpool, Ohio,**
NSPS Subpart OOO Applicability

Dear Scott:

We are in receipt of your letter dated June 5, 2006, in which you discuss the applicability of NSPS Subpart OOO to the processing of fluorspar at the S.H. Bell facility in East Liverpool, Ohio. We appreciate your detailed discussion and look forward to our followup settlement discussion on these NSPS issues.

Although your letter focuses on whether the NSPS Subpart OOO requirements apply to S.H. Bell's handling and/or processing of fluorspar, we note that the S.H. Bell has handled and/or has processed a large number and amounts of other non-metallic minerals that may be subject to these NSPS requirements during the December 2004 to November 2005 time period. The attached table, extracting data only for December 2004, provides a summation of the amounts and dates that S.H. Bell reported handling and/or processing the following materials, all of which, in addition to fluorspar, may be covered by the regulations at 40 C.F.R. 60.670, Subpart OOO: salt, pumice, rutile mineral sand and vermiculite. This information was compiled from S.H. Bell's December 2005 response to U.S. EPA's information request. For your information, I've also included the amounts of fluorspar handled during this period. Note that although the table includes only data for December 2004, for the truck shipments, similar amounts were processed and/or handled by S.H. Bell each month for the December 2004 to November 2005 time period. The table also includes barge and rail shipments for certain of these materials during 2005. Please clarify the nature of these materials, as well as how S.H. Bell handled and/or processed these materials.

We look forward to your early response and the receipt of this information and the other materials you agreed to provide us during our May 26, 2006, telephonic settlement conference. Also, as I believe we planned during that telephone conference, please indicate at your earliest convenience, your availability for our followup teleconference within the next two weeks. Thank you again for your cooperation in this matter.

Sincerely,

Francis J. Biros
Trial Attorney

cc: Steven Paffilas, Assistant U.S. Attorney, N.D. Ohio
John Matson, U.S. EPA, Region 5

Non-Metallic Minerals Handled and/or Processed by S.H. Bell
By Barge and Rail during 2005

I. Barge Shipments

<u>Date</u>	<u>Material</u>	<u>Amount(lbs.)</u>
3/15/05	Salt	3,127,340

II. Rail Shipments

1/4/05		
10/20/05	Vermiculite	430,460

Non-Metallic Minerals Handled and/or Processed by S.H. Bell
By Truck during December 2004

III. Truck Shipments

12/1/04	Fluorspar	78,520
12/2/04		93,340
12/3/04		91,480
12/6/04		93,060
12/8/04		51,160
12/9/04		99,700
12/10/04		84,800
12/13/04		86,120
12/14/04		46,480
12/15/04		48,820
12/16/04		140,920
12/17/04		86,200
12/20/04		97,440
12/21/04		49,280
12/22/04		224,660
12/23/04		142,160
12/27/04		236,740
12/28/04		118,500
12/29/04		45,400
12/30/04		95,180

12/1/04	Pumice	307,140
12/2/04		152,680
12/3/04		352,380

12/6/04	252,900
12/7/04	392,720
12/8/04	205,600
12/9/04	254,700
12/10/04	389,740
12/13/04	251,140
12/14/04	349,820
12/15/04	207,540
12/16/04	202,480
12/17/04	257,760
12/20/04	351,620
12/21/04	259,780
12/22/04	211,660
12/23/04	209,280
12/27/04	155,500
12/28/04	252,100
12/29/04	398,900
12/30/04	259,700

12/1/04	Salt	95,400
12/2/04		50,980
12/6/04		53,460
12/7/04		142,600
12/8/04		135,560
12/9/04		79,360
12/10/04		174,060
12/13/04		512,140
12/14/04		94,820
12/15/04		533,720
12/16/04		298,140
12/17/04		101,660
12/20/04		716,180
12/21/04		210,380
12/22/04		60,480
12/23/04		27,860
12/27/04		318,540
12/28/04		137,460
12/29/04		68,000
12/30/04		118,760

12/3/04	Rutile Mineral Sand	45,400
12/13/04		48,020
12/14/04		47,840

12/17/04

47,060

Vermiculite

12/9/04

48,660

12/14/04

46,160

12/22/04

47,760